IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA AIKEN DIVISION

Ricky Price,) C/A No. 1:10-2921-CMC
Plaintiff,))
V.)) ORDER GRANTING PETITION
Carolyn W. Colvin,) FOR ATTORNEY'S FEES
Acting Commissioner of Social Security, ¹)
Defendant.)

On January 30, 2013, Plaintiff's attorney filed a petition for attorney's fees pursuant to 42 U.S.C. § 406(b)(1) and Local Rule 83.VII.07. Dkt. No. 49. Counsel seeks an award of \$14,614.50. *Id.* The Commissioner does not oppose the request for attorney's fees. Dkt. No. 51.

In reviewing the petition in light of the factors to be considered in awarding attorney's fees in a social security case, the court finds that an award of \$14,614.50 is reasonable. *See Gisbrecht v. Barnhart*, 535 U.S. 789, 807 (2002) ("[Section] 406(b) calls for court review of [contingency fee agreements] as an independent check, to assure that they yield reasonable results in a particular case"). The fees are sought pursuant to a contingency fee agreement through which Plaintiff agreed to an attorney fee of 25 percent of any past-due benefits.² This percentage is the maximum allowed by Section 406(b).

¹ Carolyn W. Colvin is substituted as the Defendant in this action because she became the Acting Commissioner of Social Security on February 14, 2013. *See* Dkt. No. 37 at 1 n.1. As provided in the Social Security Act, "[a]ny action instituted in accordance with this subsection shall survive notwithstanding any change in the person occupying the office of Commissioner of Social Security or any vacancy in such office." 42 U.S.C. § 405(g)

² Plaintiff's counsel seeks 25% of Plaintiff's past-due benefits, or \$14,614.50. Dkt. No. 49-3. Plaintiff was previously awarded \$4,462.20 in attorney's fees under the Equal Access to Justice Act ("EAJA"). Dkt. No. 48. The Department of Treasury intercepted that amount to pay back child support owed by Plaintiff. Dkt. No. 49-4.

1:10-cv-02921-CMC Date Filed 03/25/13 Entry Number 53 Page 2 of 2

For reasons set forth above, the court finds that the amount sought is reasonable.

Accordingly, the court orders that Plaintiff's counsel be awarded \$14,614.50 in attorney's fees.

IT IS SO ORDERED.

S/ Cameron McGowan Currie CAMERON MCGOWAN CURRIE UNITED STATES DISTRICT JUDGE

Columbia, South Carolina March 25, 2013